

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

CHEYENNE SIMONS, :  
Petitioner, : Civil Action No. 11-5561 (JBS)  
: :  
v. : **MEMORANDUM OPINION**  
: :  
WARDEN SHARTLE, :  
: :  
Respondent. : :

**APPEARANCES:**

Petitioner pro se  
Cheyenne Simons  
FCI Fairton  
P.O. Box 420  
Fairton, NJ 08320

**SIMANDLE**, District Judge

Petitioner Cheyenne Simons, a prisoner confined at the Federal Correctional Institution at Fairton, New Jersey, has filed a Petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2241, challenging the calculation of his sentence.

The filing fee for a petition for writ of habeas corpus is \$5.00. Pursuant to Local Civil Rule 54.3(a), the filing fee is required to be paid at the time the petition is presented for filing. Pursuant to Local Civil Rule 81.2(b), whenever a prisoner submits a petition for writ of habeas and seeks to proceed in forma pauperis, that petitioner must submit (a) an affidavit setting forth information which establishes that the petitioner is unable to pay the fees and costs of the

proceedings, and (b) a certification signed by an authorized officer of the institution certifying (1) the amount presently on deposit in the prisoner's prison account and, (2) the greatest amount on deposit in the prisoners institutional account during the six-month period prior to the date of the certification. If the institutional account of the petitioner exceeds \$200, the petitioner shall not be considered eligible to proceed in forma pauperis. Local Civil Rule 81.2(c).

Petitioner did not prepay the \$5.00 filing fee for a habeas petition as required by Local Civil Rule 54.3(a). Petitioner submitted an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a)(1); however, Petitioner failed to provide his institutional account information, certified by an authorized officer of the institution, as required by Local Civil Rule 81.2(b).

CONCLUSION

For the reasons set forth above, Petitioner's application for leave to proceed in forma pauperis will be denied without prejudice and the Clerk of the Court will be ordered to administratively terminate the Petition without prejudice. Petitioner will be granted leave to move to re-open within 30 days, by either prepaying the filing fee or submitting a complete application for leave to proceed in forma pauperis.

An appropriate Order will be entered.

s/ Jerome B. Simandle  
Jerome B. Simandle  
United States District Judge

Dated: **November 3, 2011**